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In the United States Patent and Trademark Office

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|------------------------------------------------------------------------------------|---------------------------------|
| In re application of: Eyal Bartfeld | |
| For: METHOD AND APPARATUS FOR SELECTING AND DISPLAYING MULTI-MEDIA MESSAGES | |
| Serial No.: | 09/484,730, conf. # 1034 |
| Filed on: | 1/18/2000 |
| Correspondence Date | 6/29/2001 |
| Group: | 2611 |
| Examiner: | Rueben M. Brown |
| Docket: | 2000-001 |

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Technology Center 2600

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

I, Shalom Wertsberger, declare and state that:

I am an agent of record in this application and admitted to practice before the Patent and Trademark Office, Registration No. 43,359.

I declare that there is an infringing product actually on the market which I believe infringes on certain claims recited in the above-identified application.

I further declare that the infringing product comprises an apparatus for selecting and displaying multimedia messages, having a messaging and user input interfaces, and adapted to output the messages on display on a television set via a downstream network.

I further declare that I have made a rigid comparison of the above-described infringing device with the claims pending in the above-identified application and in my opinion, at least some of claims in the above-identified application are unquestionably infringed by the competing product.

I have caused to be made a careful and thorough search of the prior art, said search resulted in grant of corresponding UK patent number GB2,349,058 issued 12/27/2000, and having claims with substantially similar scope to claims in the above-identified application. Additional search was performed by the EPO and published as annex to corresponding PCT patent application PCT/IL00/00030, as publication number WO 00/44173. An Israeli patent application No. 129412 filed April 13, 1999 was indicated as allowed by the Israeli patent office and is expected to issue in due course.

I further declare that to the best of my knowledge the Information Disclosure Statements submitted on Aug. 8, 2000 and on Dec. 4, 2000 provide the most closely related art to the subject

matter encompassed by the claims and that copies of these references have previously been made of record in this application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Dated this 5th day of July 2001.



Shalom Wertsberger, Agent for Applicant.
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